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NORTH CAROLINA'S PRIORITY IN THE DEMAND FOR A DECLARATION OF INDEPENDENCE

THE RESOLUTION OF THE CONGRESS AT
HALIFAX, APRIL 12, 1776, AND ITS INFLU-
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PENDENCE IN THE UNITED COLONIES



BY

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Secretary of the North Carolina Historical Commission



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North Carolina's Priority in the Demand for Independence

BY R. D. W. CONNOR

Secretary of the North Carolina Historical Commission

A well-known essayist, in a study of "The Mecklenburg Declaration of Independence" says, with reference to the movement for a national Declaration of Independence: "To-day the consensus of critical opinion is adverse to the claims of those who would give the 'Old North State' priority in this bold and important step, and the conviction is wide-spread that the Mecklenburg Declaration is of the stuff of which myths are made."* The writer here falls into an error too common among students of American history, for which North Carolinians are primarily responsible. "The claims of those who would give the 'Old North State' priority" in the demand for independence, are not dependent on any thing that occurred, or is supposed to have occurred, at Charlotte in May of 1775; and the true basis for these claims is not affected at all whether a Declaration of Independence was made on the day and in the words claimed, or not. They rest on another event, about which there can be no dispute, which in historical importance and interest takes precedence of either the Declaration of May 20 or the Resolutions of May 31, viz., the adoption by the Provincial Congress, April 12, 1776, of the resolution authorizing the delegates from North Carolina in the Continental Congress to vote for a Declaration of Independence. Unfortunately for correct historical perspective the "acrimonious controversy" which has been waged for more than three-quarters of a century about "The Mecklenburg Declaration of Independence," has attracted more attention to that event than its importance deserves, and has tended to throw into obscurity the more significant action of the Congress at Halifax in April of the next year. Whatever action was taken at Charlotte in May, 1775, was but the action of a single frontier county, and was binding on nobody; the Resolution of April 12, on the other hand, was the voice of the province

*H. Addington Bruce: "New Light on the Mecklenburg Declaration," in *The North American Review*, July, 1906.

expressed through its chosen representatives in Congress assembled. It is on this latter action that North Carolina's claims to priority in the demand for a national Declaration of Independence must be maintained.

This claim must not be considered as an assertion that the idea of independence originated in North Carolina. The very absurdity of such a claim would refute it. In fact it cannot be said that the idea of independence "originated" anywhere: it was a growth, and was present, unconsciously, in the minds of political thinkers and leaders long before England's conduct crystallized it into conscious thought. Prophecies and academical discussions of the possibility of an independent American nation, were not uncommon, either in Europe or America, for some years before the outbreak of the Revolution; but it may be safely stated that no serious, definite thought or plan of separation from the mother country took shape in the minds of even the most advanced political thinkers until after the struggle over the Stamp Act. There may be found, it is true, certain expressions in the literature of the period which may possibly seem to support a contrary statement. Thus, as early as May 1760, Governor Dobbs of North Carolina, appealed to the king for greater authority that he might "prevent the rising spirit of independency stealing into this province."* But such expressions would clearly be "all amiss interpreted" in any effort to prove from them that their writers even dreamed of separation from the British Empire. Even so acute a political thinker as Thomas Jefferson declared that before the battle of Lexington, April 19, 1775, he had never heard a whisper of a desire to separate from the mother country; and Washington confessed that when he took command of the army, July 3, 1775, he "abhorred the idea of independence." The first statesman of weight and influence to conceive the idea of independence, with a fixed and definite purpose to pursue it, was Samuel Adams, and we have his own word for it that he made up his mind during the summer of 1768. The movement, therefore, began definitely with the Stamp Act, and this is the logical starting point of this inquiry.

The principles on which the Americans opposed the Stamp Act were not hatched out for the occasion. They had long been

* *Colonial Records of North Carolina*, VI., 251

regarded as lying at the very basis of the colonial governments; indeed, they were incorporated into their polity by the very charters which created them. The charters of North Carolina, for instance, guaranteed to the people "all liberties, franchises and privileges" possessed and enjoyed by their fellow-subjects in the realm of England.* Adherence to these charters and resistance to their perversion were cardinal principles with the early Carolinians and their records are replete with appeals to them against the encroachments of the proprietary and royal authorities throughout their colonial history. As early as 1678, "when a few families were struggling into a consciousness of statehood along the wide waters of our eastern sounds," the Assembly declared that "the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive to the good and happiness of mankind."† In 1716 when the colony was but little more than fifty years old and the population all told was less than ten thousand souls, the Assembly entered on their journal the declaration "that the impressing of the inhabitants, or their property, under the pretence of its being for the public service, without authority from the Assembly, was unwarrantable and a great infringement upon the liberty of the subject."‡ A still more distinct statement of the principles of the Revolution was made in 1754 when the Assembly resolved that an attempt by the Council to amend an appropriation bill levying a tax "tends to infringe the rights and liberties of the Assembly who have always enjoyed uninterrupted the privilege of framing and modelling all bills by virtue of which money has been levied on the subject as an aid for his Majesty."§ Moreover a committee of the Assembly protested to the governor against the Navigation Acts both as burdensome to the trade of the province, and as levying taxes on the people against what they esteemed their inherited right and exclusive privilege of imposing their taxes through their own representatives.|| A few years later Governor Dobbs wrote that the Assembly openly set him and the king's instructions at defiance on the express ground "that their charters still subsisted," and declared that when the royal

* *Colonial Records of North Carolina*, I, 25, 107.

† *Col. Rec. Prefatory Notes*, IX., p. XI.

‡ Saunders: *Lessons from our North Carolina Records*, p. 7.

§ *Col. Rec. V. 287*.

|| Saunders: *Col. Rec. Pref. Notes*, IX. p. XI.

instructions differed from their charters, the latter and not the former was their rule of action.* “The key to North Carolina character in this inchoate period,” as Dr. Edwin A. Alderman says, “is the subordination of everything—material prosperity, personal ease, financial development—to the remorseless assertion of the sacredness of chartered rights.”†

The ministry therefore no sooner asserted the constitutional authority of Parliament to levy taxes on the colonists, than the people of North Carolina denied it. Their contest, however, before the outbreak of hostilities was for constitutional government within the British Empire, though a few far-sighted leaders soon began to think of independence as possibly the ultimate solution of their political troubles with the mother country. Among the leaders of North Carolina who foresaw it, first place must be assigned to William Hooper. On April 26, 1774, in a letter to James Iredell, Hooper made this remarkable forecast of the political tendencies of the time:

“With you I anticipate the important share which the colonies must soon have in regulating the political balance. They are striding fast to independence, and ere long will build an empire upon the ruins of Great Britain, will adopt its constitution purged of its impurities, and from an experience of its defects will guard against those evils which have wasted its vigor and brought it to an untimely end. . . . Be it our endeavour to guard against every measure that may have a tendency to prevent so desirable an end.”‡

In the same prophetic vein Samuel Johnston a few months later, September 23, referring more specifically than Hooper to the quarrel with the mother country, wrote to a friend in London:

“The ministry from the time of passing the Declaratory Act, on the repeal of the Stamp Act, seem to have used every opportunity of teasing and fretting the people here as if on purpose to draw the people into rebellion or some violent opposition to government; at a time when the inhabitants of Boston were, every man, quietly employed about their own private affairs, the wise members of your House of Commons on the authority of ministerial scribbles, declare they are in a state of open rebellion. On the strength of this they pass a set of laws which from their severity and injustice cannot be carried into execution but by a military force, which they have very wisely provided, being conscious

**Col. Rec.*, VI., 1261.

†Alderman: *William Hooper*, p. 13.

‡*Col. Rec.* IX. 983-86.

that no people who had once tasted the sweets of freedom would ever submit to them except in the last extremity. They have now brought things to a crisis and God only knows where it will end. It is useless in disputes between different countries to talk about the right which one has to give laws to the other, as that generally attends the power, though where that power is wantonly or cruelly exercised there are instances where the weaker state has resisted with success; for when once the sword is drawn all nice distinctions fall to the ground; the difference between internal and external taxation will be little attended to, and it will hereafter be considered of no consequence whether the act be to regulate trade or raise a fund to support a majority in the House of Commons. By this desperate push the ministry will either confirm their power of making laws to bind the colonies in all cases whatsoever, or give up the right of making laws to bind them in any case.”*

Johnston’s letter is more to the point than Hooper’s; for while Hooper wrote in a speculative, academic vein, basing his conclusions upon a fancied analogy between the Roman Empire in its decline and the British Empire, Johnston was discussing the specific issues in dispute between the two countries, and, as events subsequently showed, correctly pointed out their logical result. He regarded the dispute as one “between different countries,” and looked to separation and revolution for the salvation of the weaker.

These utterances, however, expressed political judgment rather than sentiment, for neither Hooper nor Johnston at that time desired independence. Nor did their judgment express the general sentiment of the colony. This sentiment found more accurate expression in the proceedings of the local meetings which were held in the various counties during the summer of 1774 to elect delegates to the Provincial Congress, and to adopt instructions to them. These instructions invariably required the delegates to take a firm stand for the constitutional rights of the colonists, but at the same time most of them professed the utmost loyalty to the king. Rowan county, for instance, August 8, instructed its delegates to make a declaration that the people of Rowan were ready at any time to defend with their lives and fortunes “his Majesty’s right and title to the Crown of Great Britain and his Dominion in America;”† while Johnston county, four days later, declared “that his Majesty’s subjects in North America owe the

**Col. Rec. IX. 1071-72*

†*Col. Rec. IX. 1024.*

same allegiance to the Crown of Great Britain that is due from his subjects in that kingdom or elsewhere.”* But both meetings were equally emphatic in claiming for the king's subjects in America “the same rights and liberties that his subjects in the Kingdom of Great Britain” enjoyed; hence they regarded taxation by Parliament as unjust, oppressive and unconstitutional, and thought it ought to be resisted. These professions of loyalty and claims to immunity from taxation by Parliament, are typical of the sentiment prevailing in the local meetings, and it is not necessary to quote others.† Besides, the Provincial Congress, August 27, spoke for the province as a whole when it resolved “to maintain the succession of the House of Hanover as by law established,” and avowed “inviolable and unshaken fidelity” to George III.‡

While these expressions undoubtedly represent the general sentiment of the colony at that time, they are less significant than other utterances which point to the change unconsciously working in the minds of men. The first Provincial Congress, for instance, was the result of John Harvey's demand for “a convention independent of the governor;”§ and the general meeting at Wilmington, July 21, which issued the call for a congress, emphasized the “constitutional liberties of America,” but neglected to make any mention of allegiance or loyalty to the king.|| Anson county, August 18, also omitted a profession of loyalty to the Crown though denouncing in vigorous language “the late arbitrary and cruel acts of the British Parliament and other unconstitutional and oppressive measures of the British Ministry.”¶ More significant than either were the instructions of Pitt county. Pitt's delegates were instructed to make “a declaration of American rights,” and, while acknowledging “due subjection to the the Crown of England,” to make it equally clear that in submitting to the authority of the king, the Americans did so “by their own voluntary act,” and were entitled to enjoy “all their free chartered rights and liberties as British free subjects.”° But

**Col. Rec.*, IX., 1031.

†*Col. Rec.*, IX., 1037, 1038, 1104.

‡*Col. Rec.*, IX., 1044.

§*Col. Rec.*, IX., 968.

||*Col. Rec.*, IX., 1016.

¶*Col. Rec.*, IX., 1032.

°*Col. Rec.*, IX., 1030.

surpassing all other resolutions in the clearness and accuracy with which they stated the American idea, and reaching the most advanced ground attained in North Carolina during the year 1774, were the instructions of Granville county, adopted August 15. They declared "that those absolute rights which we are entitled to as men, by the immutable laws of nature, are antecedent to all social and relative duties whatsoever; that by the civil compact subsisting between our king and his people, allegiance is the right of the first magistrate, and protection the right of the people; that a violation of this compact would rescind the civil institution binding both king and people together."*

Political sentiment in North Carolina, therefore, during the year 1774 reached this point: The people owe and acknowledge allegiance to the king, but in return for this allegiance the king owes protection to the people; if either violates the "civil compact" subsisting between them, the other is released from all obligations to maintain it; however, the acts of which the people now complain are not the acts of the king, but of a corrupt Parliament and a venal and tyrannical ministry; the people are convinced that the king, if only they could reach the royal ears with their grievances, would throw the mantle of his protection around them; and therefore they determined, in the words of the Granville resolutions: "Although we are oppressed, we will still adhere to the civil obligation exacting our allegiance to the best of kings, as we entertain a most cordial affection to his Majesty's person."

A severe blow was dealt this position with the opening of the year 1775. In February the two houses of Parliament presented an address to the king declaring the colonies in rebellion, and assuring his Majesty of their determination to support him in his efforts to suppress it; and the king returning his thanks for their loyal address, called for an increase of both the land and naval forces to be used in America. A few months later those who held that the king was not responsible for the acts of Parliament were still further shaken in their position by the announcement that he was hiring Hessians for service against the Americans; and in October they were driven completely from their ground by his proclamation declaring the colonists out of his protection.

**Col. Rec.*, IX., 1034.

The effect of these measures on the development of sentiment for independence is marked, first in the opinion of individual leaders, afterwards in the utterances of public assemblies. On April 7, just after the adjournment of the second Provincial Congress and the dissolution of the last Assembly held under royal authority, Governor Martin, in a letter to Lord Dartmouth, assured his lordship that he had taken every measure in his power "to resist the growth of a most daring spirit of sedition and disorder that is gaining ground here very fast. . . . I am bound in conscience and duty to add, my Lord," he continued, "that government is here as absolutely prostrate as impotent, and that nothing but the shadow of it is left. . . . I must further say, too, my Lord, that it is my serious opinion, which I communicate with the last degree of concern, that unless effectual measures such as British spirit may dictate are speedily taken there will not long remain a trace of Britain's dominion over these colonies."* Three months later Joseph Hewes considered himself "over head and ears in what the ministry call rebellion," but felt "no compunction for the part he had taken," or for the number of "enemies lately slain in the battle at Bunker's Hill."† Another North Carolina Whig writing, July 31, to a business house in Edinburg, declared that "every American, to a man, is determined to die or be free," and though professing loyalty to the king and disclaiming a desire for independence, he closed his letter with the warning: "This country, without some step is taken, and that soon, will be inevitably lost to the mother country."‡ Thomas McKnight, a Tory, believed there had been "from the beginning of the dispute a fixed design in some people's breasts to throw off every connection with Great Britain and to act for the future as totally independent."§ After the king's proclamation in October, Hewes at Philadelphia entertained "but little expectation of reconciliation" and saw "scarcely a dawn of hope that it will take place;"|| and thought that independence would come soon "if the British ministry pursue their present diabolical scheme."¶ The year 1775 closed in North Carolina

*Col. Rec., IX., 1214-15.

†Col. Rec., X., 86.

‡Col. Rec., X., 123.

§Col. Rec., X., 249.

||Col. Rec., X., 315.

¶Hazelton: *The Declaration of Independence; Its History*, 31.

with the publication of a remarkable open letter addressed to "The Inhabitants of the United Colonies," and signed by one who called himself "A British American." He reviewed the causes of the dispute with the mother country; declared that the colonies had been forced against their wishes into a "just, necessary and honourably defensive war;" and maintained that

"There is yet a way open for us, not only to escape the threatened ruin, but to become a happy, wealthy and respectable people. If it be asked how this great work is to be effected, I answer:

"First, by declaring an immediate independency;

"Secondly, by holding forth, to all the Powers of Europe, a general neutrality;

"Thirdly, by immediately opening all our ports, and declaring them free to every European Power, except Great Britain, and inviting foreigners to purchase our commodities, and to furnish us with arms, ammunition, and such manufactures as we cannot, as yet, furnish ourselves with, which we cannot do with any prospect of success, so long as we retain even but the shadow of dependence on, or subjection to Great Britain. . . .

"We must separate, or become the laboring slaves of Britain, which we disdain to be. . . . These things, I hope, will be duly considered by every inhabitant of America, as they are recommended to them to show the absurdity of continuing to petition and address, while our towns are in flames, and our inhabitants murdered, rather than separate from a cruel, blood-thirsty people, the cause of all our woes."*

Men of course are more radical in expressing their opinions in private than in public assemblies and official documents. It will be found, therefore, that during the year 1775 the sentiment of public assemblies, though much in advance of the sentiment of 1774, was more conservatively expressed than the private opinions of the leaders might lead us to expect. On April 6, 1775, the Assembly of the province, in reply to a message from the governor reminding them of their duty to the king, declared that "the Assembly of North Carolina have the highest sense of the allegiance due to the king; the oath so repeatedly taken by them to that purpose made it unnecessary for them to be reminded of it;" at the same time, however, they called the governor's attention to the fact the king "was by the same constitution that established that allegiance and enjoined that oath, happily for his subjects, solemnly bound to protect them in all their just rights

*Force's *American Archives*, 4th Series, IV., 470-73.

and privileges by which a reciprocal duty became incumbent upon both.”*

This declaration was made before the people had heard of the address of Parliament in February and the king’s reply declaring them in rebellion. How quickly they assumed that the withdrawal of protection by the sovereign released the subject from the obligations of allegiance is made manifest by the Mecklenburg Resolutions of May 31. “Whereas,” so runs this striking document, “by an address presented to his Majesty by both houses of Parliament in February last, the American colonies are declared to be in a state of actual rebellion, we conceive that all laws and commissions confirmed by or derived from the authority of the king and Parliament are annulled and vacated and the former civil constitution of these colonies for the present wholly suspended;” therefore, it was resolved that “the Provincial Congress of each province under the direction of the great Continental Congress is invested with all legislative and executive powers within their respective provinces, and that no other legislative or executive power does or can exist at this time in any of these colonies.” Under these circumstances it was thought necessary to inaugurate a new county government, to organize the militia, and to elect officials “who shall hold and exercise their several powers by virtue of this choice and independent of the Crown of Great Britain and former constitution of this province.” These resolves and this organization were declared to be “in full force and virtue until instructions from the Provincial Congress regulating the jurisprudence of the province shall provide otherwise or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America.”†

Studied in connection with the development of the sentiment for independence, in which they form a most important link, these resolutions appear far more logical and significant than the alleged Declaration of May 20. A Declaration of Independence by a single county, at a time when both the Provincial and the Continental Congresses were professing the utmost loyalty to the Crown, appears to be but little more than rhetoric; but a series of resolves outlining a county government to take the place of

**Col. Rec.*, IX., 1198.

†*Col. Rec.*, IX., 1282-84.

that which had been annulled until the proper authority, the Provincial Congress, should provide otherwise, was a wise, proper and statesman-like procedure. Of the two, therefore, the latter seems far more creditable to the wisdom and patriotism of the Mecklenburg patriots.

The day after the meeting at Charlotte, the Rowan committee, which had declared a year before that they were ready to die in defence of the king's title to his American dominions, resolved, "that by the constitution of our government we are a free people;" that the constitution "limits both sovereignty and allegiance," and "that it is our duty to surrender our lives before our constitutional privileges to any set of men upon earth."* And, finally, in August, just before the meeting of the Provincial Congress, Tryon county resolved to bear true allegiance to the king, but only "so long as he secures to us those rights and liberties which the principles of our constitution require."†

Thus it seems clear that when the Provincial Congress met in August, 1775, the entire province had reached the advanced ground on which Granville county stood in August of 1774. But just as these local assemblies were more conservative in expressing their sentiments than individuals, so the Provincial Congress was more conservative than the local assemblies, though both were controlled largely by the same men. This Congress, September 8, unanimously adopted an address to "The Inhabitants of the British Empire," in which they said:

"To enjoy the fruits of our own honest industry; to call that our own which we earn with the labor of our hands and the sweat of our brows; to regulate that internal policy by which we and not they [Parliament] are to be affected; these are the mighty boons we ask. And traitors, rebels, and every harsh appellation that malice can dictate or the virulence of language express, are the returns which we receive to the most humble petitions and earnest supplication. We have been told that independence is our object; that we seek to shake off all connection with the parent state. Cruel suggestion! Do not all our professions, all our actions, uniformly contradict this?

"We again declare, and we invoke that Almighty Being who searches the recesses of the human heart and knows our most secret intentions, that it is our most earnest wish and prayer to be restored with the other

*Col. Rec., X., 10-11.

†Col. Rec., X., 163. See also IX., 1149, 1160-64; X., 26, 29, 61, 171, and 239.

United Colonies to the state in which we and they were placed before the year 1763. . . .

"Whenever we have departed from the forms of the constitution, our own safety and self preservation have dictated the expedient; and if in any instances we have assumed powers which the laws invest in the sovereign or his representatives, it has been only in defence of our persons, properties and those rights which God and the constitution have made unalienably ours. As soon as the cause of our fears and apprehensions are removed, with joy we will return these powers to their regular channels; and such institutions formed from mere necessity, shall end with that necessity that created them."*

Soon after the adjournment of this Congress came news of the king's proclamation in October declaring the Americans out of his protection and commanding his armies and navy to levy war against them. After this nothing more is heard from public assemblies and conventions of loyalty to the Crown. Sentiment hastened rapidly towards independence. "My first wish is to be free," declared Hooper, a delegate in the Continental Congress; "my second to be reconciled to Great Britain."† Six days later, February 12, 1776, John Penn, also a delegate in the Continental Congress, wrote to his friend Thomas Person:

"I learn that Governor Martin has at length obtained his wishes; administration having agreed to send seven regiments to North Carolina. . . . I make no doubt the Southern Provinces will soon be the scene of action. . . . I hope we to the Southward shall act like men determined to be free. . . . Should they [Parliament and the ministry] persevere in their attempts to reduce us to a state of slavery by carrying on this unnatural war with fire and sword, we must determine to act with unanimity and assume every power of government for the purpose of legislation in order to be the better able to defend ourselves. . . . For God's sake, my dear sir, encourage our people; animate them to dare even to die for their country."‡

Two days later he took an even more advanced position.

"Our dispute with Great Britain," he wrote, "grows serious indeed. Matters are drawing to a crisis. They seem determined to persevere and are forming alliances against us. Must we not do something of the like nature? Can we hope to carry on a war without having trade or commerce somewhere? Can we ever pay any taxes without it? Will not our money depreciate if we go on emitting? These are serious

**Col. Rec.*, X., 201.

†*Alderman: William Hooper*, 40.

‡*Col. Rec.*, X., 449.

things and require your consideration. The consequence of making alliances is perhaps a total separation with Britain and without something of that sort we may not be able to provide what is necessary for our defence.”*

And Hewes, writing from Congress to Samuel Johnston, March 20, declared:

“I see no prospects of reconciliation. Nothing is left but to fight it out. . . . Some among us urge strongly for independency and eternal separation; others wish to wait a little longer and to have the opinion of their constituents on that subject. You must give us the sentiments of your province when your convention meets.”†

Thus spoke the three delegates in the Continental Congress; but in no respect were they in advance of their constituents. Samuel Johnston, writing March 3, expressed the opinion that the future might “offer a more favorable crisis for throwing off our connection with Great Britain;” but added:

“It is, however, highly probable from anything that I have yet been able to learn of the disposition of the people at home, from the public papers, for I have not lately received any letters, that the colonies will be under the necessity of throwing off their allegiance to the king and Parliament of Great Britain this summer. If France and Spain are hearty and sincere in our cause, or sufficiently apprised of the importance of the connection with us to risk war with Great Britain, we shall undoubtedly succeed; if they are irresolute and play a doubtful game I shall not think our success so certain.”‡

Replying to Hewes’s inquiry of March 20th, he said:

“I am inclined to think with you that there is little prospect of an accommodation. You wish to know my sentiments on the subjects of treating with foreign powers and the independence of the Colonies. I have apprehensions that no foreign power will treat with us till we disclaim our dependence on Great Britain and I would wish to have assurances that they would render us effectual service before we take that step. I have I assure you no other scruples on this head; the repeated insults and injuries we have received from the people of my native island has [*sic*] done away all my partiality for a connection with them and I have no apprehensions of our being able to establish and support an independence if France and Spain would join us cordially and risque a war with Great Britain in exchange for our trade.”§

**Col. Rec.*, X., 456.

†*State Records of North Carolina*, XI., 288-9.

‡Ms. letter in the Library at “Hayes.” Copy in the collections of the North Carolina Historical Commission

§Ms. letter in the Library at “Hayes.” Copy in the collections of the North Carolina Historical Commission.

In a letter written from Petersburg, Virginia, April 12th, the writer says:

"From several letters that I have received from North Carolina since that convention met, I find they are for independence, as they either have, or intend to repeal the instructions that were given to their delegates, and to leave them at liberty to vote, upon every occasion, as they may think best. Mr. — was some little time at Halifax. He says they are quite spirited and unanimous; indeed, I hear nothing praised but 'Common Sense' and Independence. The people of North Carolina are making great preparations, and they are determined to die hard."*

On April 14 Hooper and Penn arrived at Halifax from Philadelphia. Three days later Hooper wrote to Hewes, who had remained at Philadelphia, and Penn wrote to John Adams, describing the situation as they found it in Virginia and North Carolina:

"My progress through Virginia," said Hooper, "was marked with nothing extraordinary. . . . The language of Virginia is uniformly for independence. If there is a single man in that province who preaches a different doctrine I had not the fortune to fall in his company. But rapid as the change has been in Virginia, North Carolina has the honour of going far before them. Our late instructions afford you some specimen of the temper of the present Congress and of the people at large. It would be more than unpopular, it would be Toryism, to hint the possibility of future reconciliation. For my part if it were my sentiment that such conduct was premature, I should not think it prudent to avow it. We cannot stem a current and one had better swim on the democratic flood than vainly attempting to check it be buried in it. . . . Britain has lost us by a series of impolitic, wicked and savage actions as would have disgraced a nation of Hottentots. Human patience can bear no more and all ranks of people cry, 'that the cup of bitterness is full and running over. Let the miseries of *separation* be what they will they cannot enhance our misery. We may be better, we cannot be worse.' Thus they reason and when I survey what has been done I have too much the feelings of a man to attempt to reason them out of this effusion."†

Likewise wrote Penn:

"As I came through Virginia I found the inhabitants desirous to be independent from Great Britain. However, they were willing to submit their opinion on the subject to whatever the General Congress should determine. North Carolina by far exceeds them occasioned by the great

*Force's *American Archives*, 4th Series, V., p. 862.

†Ms. letter in the Library at "Hayes." Copy in the collections of the North Carolina Historical Commission.

fatigue, trouble and danger the people here have undergone for sometime past. Gentlemen of the first fortune in the province have marched as common soldiers; and to encourage and give spirit to the men have footed it the whole time. Lord Cornwallis with seven regiments is expected to visit us every day. Clinton is now in Cape Fear with Governor Martin, who had about forty sail of vessels, armed and unarmed, waiting his arrival. The Highlanders and Regulators are not to be trusted. Governor Martin has coaxed a number of slaves to leave their masters in the lower parts; everything base and wicked is practiced by him. These things have wholly changed the temper and disposition of the inhabitants that are friends to liberty; all regard or fondness for the king or nation of Britain is gone; a total separation is what they want. Independence is the word most used. They ask if it is possible that any colony after what has passed can wish for a reconciliation? The convention have tried to get the opinion of the people at large. I am told that in many counties there was not one dissenting voice.”*

Thus in letters, in conversations by the fireside and at the cross-roads, in newspapers, and in public assemblies, the Whig leaders worked steadily to mould public sentiment in favor of a Declaration of Independence. But the crowning arguments that converted thousands to this view were the guns of Caswell and Lillington at Moore's Creek Bridge in the early morning hours of February 27, and the black hulks of Sir Henry Clinton's men-of-war as they rode at anchor below Brunswick. Moore's Creek Bridge, says Frothingham, “was the Lexington and Concord of that region. The newspapers circulated the details of this brilliant result. The spirits of the Whigs ran high. ‘You never,’ one wrote, ‘knew the like in your life for true patriotism.’”† In the midst of this excitement the Provincial Congress met, April 4, at Halifax. The next day Samuel Johnston wrote: “All our people here are up for independence;”‡ and added a few days later: “We are going to the devil . . . without knowing how to help ourselves, and though many are sensible of this, yet they would rather go that way than to submit to the British ministry. . . Our people are full of the idea of independence.”§ “Independence

*Quoted by Swain in “The British Invasion in 1776,” published in Cooke's *Revolutionary History of North Carolina*, p., 125. There incorrectly dated as April 7, 1776. See Hazelton's *Declaration of Independence*, pp. 83, 402.

†*The Rise of the Republic*, p. 503.

‡McRee's *Life and Correspondence of James Iredell*, I., p. 275.

§Ms. letter in Library at “Hayes.” Copy in the collections of the North Carolina Historical Commission.

seems to be the word," wrote General Robert Howe; "I know not one dissenting voice."*

To this position, then, within a year, the king had driven his faithful subjects of North Carolina and they now expected their Congress to give formal and public expression to their sentiments. When Hooper and Penn arrived at Halifax they found that the Congress had already spoken. On April 8, six days before their arrival, a committee was appointed, composed of Cornelius Harnett, Allen Jones, Thomas Burke, Abner Nash, John Kinchen, Thomas Person, and Thomas Jones, "to take into consideration the usurpations and violences attempted and committed by the king and Parliament of Britain against America, and the further measures to be taken for frustrating the same, and for the better defence of this province."† After deliberating for four days, on April 12th this committee, through its chairman, Cornelius Harnett, submitted its report, of which he was the author. "In ringing sentences, not unworthy of Burke or Pitt," says Dr. Smith, "the report set forth in a short preamble the usurpations of the British ministry and 'the moderation hitherto manifested by the United Colonies.' Then came the declaration which to those who made it meant long years of desolating war, smoking homesteads, widowed mothers, and fatherless children, but to us and our descendants a heritage of imperishable glory."‡ This is the report which Cornelius Harnett read and the Congress unanimously adopted:

"It appears to your committee, that pursuant to the plan concerted by the British ministry for subjugating America, the king and Parliament of Great Britain have usurped a power over the persons and properties of the people unlimited and uncontrolled; and disregarding their humble petitions for peace, liberty and safety, have made divers legislative acts, denouncing war, famine, and every species of calamity, against the continent in general. That British fleets and armies have been, and still are daily employed in destroying the people, and committing the most horrid devastations on the country. That governors in different colonies have declared protection to slaves who should imbrue their hands in the blood of their masters. That ships belonging to America are declared prizes of war, and many of them have been violently seized and confis-

*Hazelton: Declaration of Independence, p. 84.

†*Col. Rec.*, X., 504.

‡C. Alphonso Smith: Our Debt to Cornelius Harnett: North Carolina University Magazine, May, 1907, p. 392.

cated. In consequence of all which multitudes of people have been destroyed, or from easy circumstances reduced to the most lamentable distress.

"And whereas the moderation hitherto manifested by the United Colonies and their sincere desire to be reconciled to the mother country on constitutional principles, have procured no mitigation of the aforesaid wrongs and usurpations, and no hopes remain of obtaining redress by those means alone which have been hitherto tried, your committee are of opinion that the house should enter into the following resolve, to-wit;

"Resolved, That the delegates for this colony in the Continental Congress be impowered to concur with the delegates of the other colonies in declaring independency, and forming foreign alliances, reserving to this colony the sole and exclusive right of forming a constitution and laws for this colony, and of appointing delegates from time to time (under the direction of a general representation thereof,) to meet the delegates of the other colonies for such purposes as shall be hereafter pointed out."*

"Thus," declares Frothingham, "the popular party carried North Carolina as a unit in favor of independence, when the colonies from New England to Virginia were in solid array against it."† Comment is unnecessary. The actors, the place, the occasion, the time, the action itself, tell their own story. "The American Congress," declared Bancroft, "needed an impulse from the resolute spirit of some colonial convention, and the example of a government springing wholly from the people. . . . The word which South Carolina hesitated to pronounce was given by North Carolina. That colony, proud of its victory over domestic enemies, and roused to defiance by the presence of Clinton, the British general, in one of their rivers, unanimously" voted for separation. "North Carolina was the first colony to vote explicit sanction to independence."‡ This Resolution of April 12, therefore, and not the "Mecklenburg Declaration" of May 20, nor the Mecklenburg Resolves of May 31, is the true basis for "the claims of those who would give the 'Old North State' priority in this bold and important step."

A copy of the resolution was immediately hurried off to Joseph Hewes at Philadelphia.§ Its effect on the movement for independence in the other colonies was felt at once. "This was a

**Col. Rec.*, X., 512.

†*The Rise of the Republic*, p. 504.

‡*History of the United States*, ed. 1860, Vol. VIII., pp. 345-352. The language, but not the sense, is slightly modified in later editions.

§*Col. Rec.*, X., 495, 604.

move of the greatest importance," says Elson, "and it was but a short time until Rhode Island and then Massachusetts followed the example of their Southern sister."* Frothingham declares: "The example was warmly welcomed by the patriots, and commended for imitation."† The correspondence of the period bears out his statement. The newspapers printed the resolution and held it up to the other colonies as an example to be followed. The leaders in the Continental Congress hastened to lay it before their constituents. Samuel Adams, the foremost man in America in fostering the sentiment for independence, wrote, April 30, to a friend in Boston:

"The idea of independence spreads far and wide among the colonies. Many of the leading men see the absurdity of supposing that allegiance is due to a sovereign who has already thrown us out of his protection. . . . The convention of North Carolina has. . . . revoked certain instructions which tied the hands of their delegates here. Virginia, whose convention is to meet on the 3d of next month, will follow the lead. . . . We cannot make events: our business is wisely to improve them. . . . Mankind are governed more by their feelings than by reason. Events which excite those feelings will produce wonderful events. The Boston Port Bill suddenly wrought an union of the colonies which could not have been brought about by the industry of years in reasoning on the necessity of it for the common safety. . . . The burning of Norfolk and the hostilities committed in North Carolina have kindled the resentment of our Southern brethren, who once thought their Eastern friends hot-headed and rash. Now, indeed, the tone is altered, and it is said that the coolness and moderation of the one is necessary to allay the heat of the other. There is reason that would induce one to wish for the speedy arrival of the British troops that are expected at the Southward. I think our friends are well prepared for them, and one battle would do more towards a Declaration of Independence than a long chain of conclusive arguments in a Provincial Convention or the Continental Congress."‡

The next day, May 1, Elbridge Gerry, another of the delegates from Massachusetts in the Continental Congress, wrote with reference to independence:

"I am glad you approve the proposals for instructions, and can with pleasure inform you that North Carolina has taken off from their [*sic*] delegates the restrictions relative to this matter, and as I am informed,

**History of the United States*, p. 252.

†*The Rise of the Republic*, p. 504.

‡Wells: *The Life and Public Services of Samuel Adams*, Vol. 2, pp. 294-6.

has left them at liberty to vote for a final separation from Great Britain.”*

The 28th of the same month, after Virginia had followed the example of North Carolina, he wrote:

“Some days since I enclosed to our worthy friend Major Hawley sundry newspapers containing intelligence of importance, but not so agreeable in its nature as the enclosed papers announce relative to our sister colonies of Virginia and North Carolina. Their conventions have unanimately declared for independency, and have in this respect exceeded their sister colonies in a most noble and decisive measure. I hope it will be forthwith communicated to your honorable Assembly, and hope to see my native colony follow this laudable example.”†

Three days later he recurred again to the same subject:

“The conviction which the late measures of administration have brought to the minds of doubting persons has such an effect, that I think the colonies cannot long remain an independent depending people, but that they will declare themselves as their interest and safety have long required, entirely separated from the prostituted government of Great Britain. . . . The principal object of our attention at this important time, I think, should be the manufacturing arms, lead and clothing, and obtaining flints, for I suppose since the measures adopted by North Carolina and Virginia that there cannot remain a doubt with our Assembly of the propriety of declaring for independency, and therefore that our thoughts will be mostly directed to the means for supporting it.”‡

May 29 Cæsar Rodney, a delegate from Delaware, wrote to Thomas Rodney:

“The colonies of North Carolina and Virginia have both by their conventions declared for Independence by a unanimous vote; and have instructed their members to move and vote for it in Congress.”§

Perhaps no man welcomed with greater joy the example of North Carolina in moving for independence than John Adams, the great “Colossus of Independence.” Writing May 29 to a friend in regard to the British vessels in Boston harbor, he said:

“I am much pleased with your spirited project of driving away the wretches from the harbor, and never shall be happy till I hear it is done, and the very entrance fortified impregnably. I cannot bear that an

*Austin: *The Life of Elbridge Gerry*, p. 178.

†*Ibid.*: pp. 180-1.

‡Hazelton: *The Declaration of Independence*, p. 107.

§*Ibid.*: 425.

unfriendly flag should be in sight of Beacon Hill. You are 'checked by accounts from the Southward, of a disposition in a great majority to counteract independence.' Read the proceedings of Georgia, South and North Carolina, and Virginia, and then judge."*

And again, June 1, he wrote to Isaac Smith:

"Your observations upon the oppressive severity of the old regulations of trade . . . are very just. But if you consider the resolution of Congress, and that of Virginia of the 15th of May, the resolutions of the two Carolinas and Georgia, each of which colonies are instituting new governments under the authority of the people, . . . I believe you will be convinced that there is little probability of our ever again coming under the yoke of British regulations of trade."†

Thus was the example of North Carolina welcomed by the advocates of independence who urged their constituents to follow her lead. Virginia did so May 15, and on the 27th of the same month, just after Joseph Hewes had presented to the Continental Congress the resolution of the North Carolina Congress, the delegates from Virginia presented their instructions.‡ Virginia had gone one step further than North Carolina, for while the latter "impowered" her delegates to "concur" with the other colonies in declaring independence, the former "instructed" her representatives to "propose" it. Hence it was that Richard Henry Lee, of Virginia, and not Joseph Hewes, of North Carolina, won the distinction of moving "that these United Colonies are and of right ought to be free and independent States."

The Provincial Congress properly referred to the Continental Congress the question of declaring independence instead of making a declaration for North Carolina alone. Nevertheless, after April 12, 1776, the Provincial Congress proceeded on the assumption that they had finally severed their political relations with the British Empire. On April 13 the Congress ordered that if any persons appointed by the king under the act of Parliament providing for the appointment of commissioners to offer terms of reconciliation to the Americans, should arrive in North Carolina without a commission to treat with the Continental Congress, they should be required to return immediately on board the vessels that brought them; and if they refused they were to be arrested and

*C. F. Adams: *The Works of John Adams*, IX., 379.

†*Ibid.*: IX., 383.

‡Ford: *Journals of the Continental Congress*, IV., 397.

sent to the Continental Congress. On the same day a committee was appointed to draft a constitution for the new State. Failing to agree on this, the Congress decided to remodel the provisional government which had been in operation since October, 1775, and in recognition of the altered relations existing now between North Carolina and the British Crown, struck out the word "Provincial," from the name of the executive branch of the government changing it from "Provincial Council" to "Council of Safety." Finally a test was prescribed for volunteers in the army by which the soldier bound himself to "be faithful and true to the United Colonies;" to serve them to the utmost of his power "in defence of the just rights of America against all enemies whatsoever;" and to lay down his arms peaceably when required to do so by the Continental Congress. This was the first test prescribed by the Provincial Congress in which no mention was made of the king, Parliament, or the British Empire. The Congress recognized that while the province was not independent in name, it was so in fact. The Declaration of Independence in July, therefore, was the official recognition of a condition which had existed in North Carolina since April 12, 1776.





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